IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 290 of 2004

with

APPEAL FROM ORDER No 291 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NATHUBHAI TAPUBHAI BALADA

Versus

R K AGENCIES

Appearance:

1. Appeal from Order No. 290 of 2004
   M/S THAKKAR ASSOC. for Appellant No.
   MR YOGESH S LAKHANI for Respondent No. 1-4
2. Appeal from Order No. 291 of 2004
   M/S THAKKAR ASSOC. for Appellant No.
   MR YOGESH S LAKHANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 21/02/2005

ORAL JUDGEMENT

1. The appellants have preferred these appeal from orders being aggrieved by the order dated 28/07/1998 passed below exh.6 by the learned 8th Joint Civil Judge (S.D.), Rajkot in Summary Suit No.36 of 1998, whereby the said application was rejected.

2. The appellants herein had originally preferred revision applications being Civil Revision Applications No.1456 of 1998 and 1457 of 1998. By order dated 18/02/1999, this Court by way of interim relief, had stayed the operation of the impugned order till the disposal of the appeals. By order dated 09/08/2004, this Court had permitted the appellants to convert the said two Civil Revision Applications into Appeal from Orders. Hence, these appeals. Now since interim relief is operating, it would be appropriate to direct the parties to maintain status quo, till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the suit while continuing the status quo granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Summary Suit No.36 of 1998 pending before the Court of the learned 8th Joint Civil Judge (S.D.), Rajkot and to dispose it of within a period of six months from the date of receipt of writ of this order. Parties are directed to maintain status quo granted by this Court by order dated 18/02/1999 till the said suit is finally disposed of.

5. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

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